

### **AMENDMENT TO THE DRAWINGS**

Please find enclosed replacement sheet showing proposed amendments to Figs. 3, 5, and 8 for the approval of the Examiner.

Figs. 3, 5, and 8 have been amended. The attached sheet of formal drawing replaces the original sheet including Figs. 3, 5, and 8.

## **REMARKS/ARGUMENTS**

Applicant responds herein to the Office Action dated July 27, 2005. A Petition for Extension of Time (one month) and the fee therefor are enclosed.

Replacement sheets for the drawings sheets, on which Figs. 3, 5, and 8 appear, are enclosed, with proposed amendments to Figs. 3, 5, and 8 for the approval of the Examiner. Reference numerals 40<sub>1</sub> and 40<sub>2</sub> in Fig. 3 have been changed to 401 and 402, respectively. Reference numerals 70<sub>1</sub> and 70<sub>2</sub> in Fig. 5 have been changed to 701 and 702, respectively. Reference numeral 70<sub>1</sub> in Fig. 8 has been changed to 701.

Claims 1, 3, 5, 6, 10, 12, 14 and 15 have been canceled without prejudice.

Claim 2 was rejected under 35 U.S.C. §103(a) as being unpatentable over Shorey et al. in view of Nagai et al. Reconsideration of the rejection is respectfully requested.

Claim 2 has been amended to provide, in part, for, “end-to-end delay acquisition means for periodically measuring the end-to-end delay time ...” included in “[a] ... radio terminal”.

The Examiner indicates, in his analysis, that the end-to-end delay acquisition means for measuring the end-to-end delay time of claim 2 is disclosed in Shorey et al., citing column 9, lines 35-47, and column 10, lines 24-35, (Office Action, page 4, paragraph 4, lines 7-9). However, it is respectfully submitted that Shorey et al. nowhere discloses periodic measurement of end-to-end delay time, which is delay time required for end-to-end transmission and reception. On the contrary, Shorey et al. throughout discusses prediction of time intervals between the arrival of data packets, which is not the same thing as periodic measurement of end-to-end delay time since such intervals include any delay between transmission of successive data packets and prediction is not the same as periodic measurement. In regard to Nagai et al., it does not disclose, teach, or suggest measuring of the end-to-end delay time, as required in claim 2.

Further, in Shorey, it is only disclosed that measuring time intervals between the arrival of data packets and determining the activation period of radio terminal based on the measurement result. In contrast, in the present invention, radio terminals measure concrete activation period, write it into activation period notification packet, exchange it with each other

and modify the activation period based on the activation period value notified by the activation period notification packet. Furthermore, in Nagai, it is not disclosed how to decide the activation period.

Claims 4 and 7 were rejected under 35 U.S.C. §103(a) as being unpatentable over Shorey et al. in view of Nagai et al. and in further view of Bearden et al. Reconsideration of the rejection is respectfully requested.

Since claims 4 and 7 are directly or indirectly dependent upon independent claim 2, they are allowable over Shorey et al. in view of Nagai et al. for the same reasons recited above with respect to the allowability of independent claim 2 over Shorey et al. in view of Nagai et al. With regard to Bearden et al., although it appears to disclose a technique of measuring the end-to-end delay, paragraph [0039], it nowhere teaches, discloses, or suggests end-to-end delay acquisition means for periodically measuring the end-to-end delay time, as required by independent claim 2, and, thus, dependent claims 4 and 7.

With regard to claim 8, the Examiner indicates, in the Office Action Summary, that it is rejected. Reconsideration of the rejection is respectfully requested.

In the Detailed Action, the Examiner refers to Shorey et al. in view of Nagai et al. in mentioning claim 8, but does not expressly reject it. Since claim 8 is indirectly dependent upon claim 2, claim 8 is allowable over Shorey et al. in view of Nagai et al. for the same reasons recited above with respect to the allowability of claim 2 over Shorey et al. in view of Nagai et al.

With regard to claim 9, the Examiner indicates, in the Office Action Summary, that claim 9 is rejected. Reconsideration of the rejection is respectfully requested.

In the Detailed Action, the Examiner indicates, with regard to claim 9, that Shorey et al. discloses “calculating the end-to-end delay time, which is the time required for end-to-end transmission and reception, by adding the network delay time and the radio space delay time to said radio base station (Col 10, lines 9-23),” (Office Action, page 7, lines 1-3). However, as previously stated, Shorey et al. only involves determining the interval time between the arrival of packets and does not involve the calculation of end-to-end delay time. With regard to Da, U.S. Patent No. 6,636,744, (Office Action, page 7, lines 11-14), it discloses time delays occurring

during the processing and transmission of signals and pilot phase offset delay parameters, (abstract), but it does not disclose calculation of end-to-end delay time.

Moreover, the “database of network parameters” in Da and “network delay time database” in the present invention are same in the point that delay information is stored. However, in Da and the present invention, the object use of the database is quite different. The “network delay time database” in Da is used for determining the position of wireless terminal accurately. In contrast, “network delay time database” in the present invention is used for optimizing the activation period.

Claim 11 was rejected under 35 U.S.C. §102(e) as being anticipated by Shorey et al. Reconsideration of the rejection is respectfully requested.

Claims 13 and 16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Shorey et al. in view of Bearden et al. Reconsideration of the rejection is respectfully requested.

Since claims 13 and 16 are directly or indirectly dependent upon independent claim 11, they are allowable over Shorey et al. for the same reasons recited above with respect to the allowability of independent claim 11 over Shorey et al. With regard to Bearden, et al., independent claim 11 provides for the periodic measurement of the end-to-end delay time, and, thus, dependent claims 13 and 16 also contain this feature. In contrast, Bearden does not disclose, teach, or suggest periodic measurement of end-to-end delay time.

Claim 17 was rejected under 35 U.S.C. §103(a) as being unpatentable over Shorey et al. in view of Bearden et al. and further in view of Nagai et al. Reconsideration of the rejection is respectfully requested.

Since claim 17 is indirectly dependent upon independent claim 11, claim 17 is allowable over Shorey et al. for the same reasons recited above with respect to the allowability of independent claim 11 over Shorey et al. Furthermore, claim 17 is allowable over Bearden et al. for the same reasons recited above with respect to the allowability of dependent claims 13 and 16 over Bearden et al., since those reasons only refer to features of independent claim 11, from which claim 17 is dependent. With regard to Nagai et al., as previously stated, it does not disclose, teach, or suggest modification of an activation period, as referred to in independent claim 11, and, therefore, in dependent claim 17.

Claim 18 was rejected under 35 U.S.C. §103(a) as being unpatentable over Shorey et al. in view of Da. Reconsideration of the rejection is respectfully requested.

In the analysis supporting the rejection of claim 18, the Examiner indicates that Shorey et al. discloses, "calculating the end-to-end delay time, which is the time required for end-to-end transmission and reception, by adding the network delay time to the radio space delay time to said radio base station (Col 10, lines 1-14)," (Office Action, page 12, paragraph 12, lines 10-12). However, as previously stated with regard to claim 2, Shorey et al. does not disclose the calculation of end-to-end delay time, but rather the calculation of the time interval between the arrival of packets, which is not the same time interval as the end-to-end delay time. With regard to Da, it does not disclose, teach, or suggest the calculation of end-to-end delay time.

In view of the foregoing amendments and remarks, allowance of claims 2, 4, 7, 8, 9, 11, 13 and 16-18 is respectfully requested.

Accordingly, the Examiner is respectfully requested to reconsider the application, allow the claims as amended and pass this case to issue.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on November 9, 2005:

MAX MOSKOWITZ

Name of applicant, assignee or  
Registered Representative

Signature

November 9, 2005

Date of Signature

Respectfully submitted,

MAX MOSKOWITZ

Registration No.: 50,576

OSTROLENK, FABER, GERB & SOFFEN, LLP

1180 Avenue of the Americas

New York, New York 10036-8403

Telephone: (212) 382-0700

Fig. 3

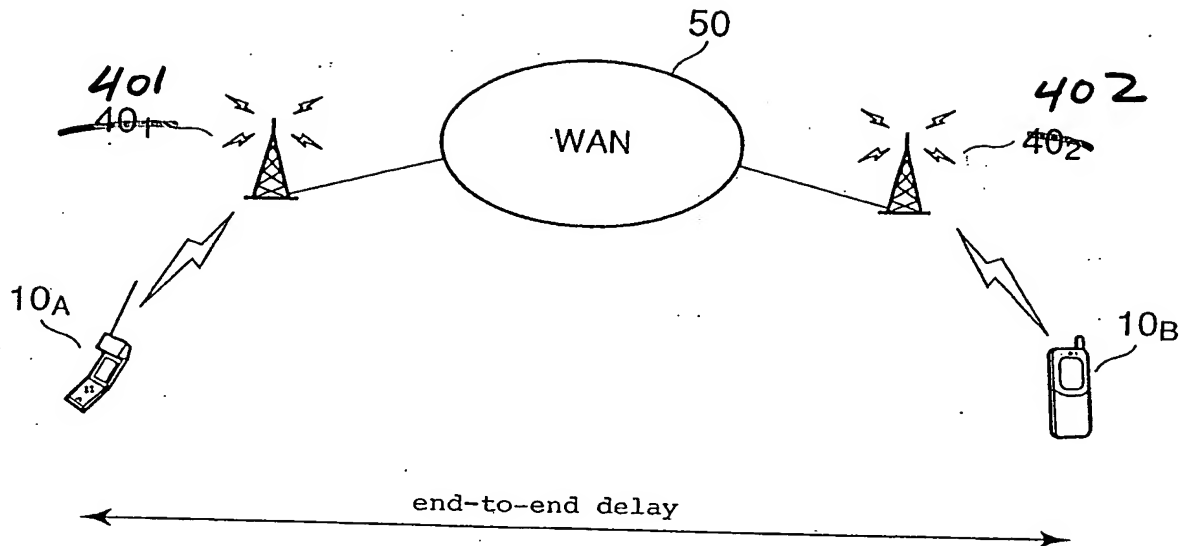


Fig. 4

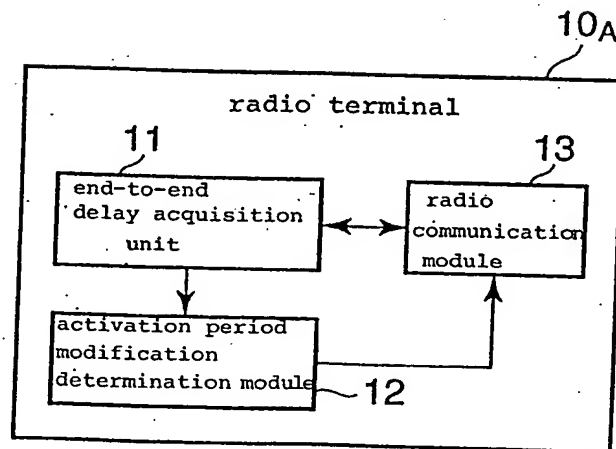


Fig. 5

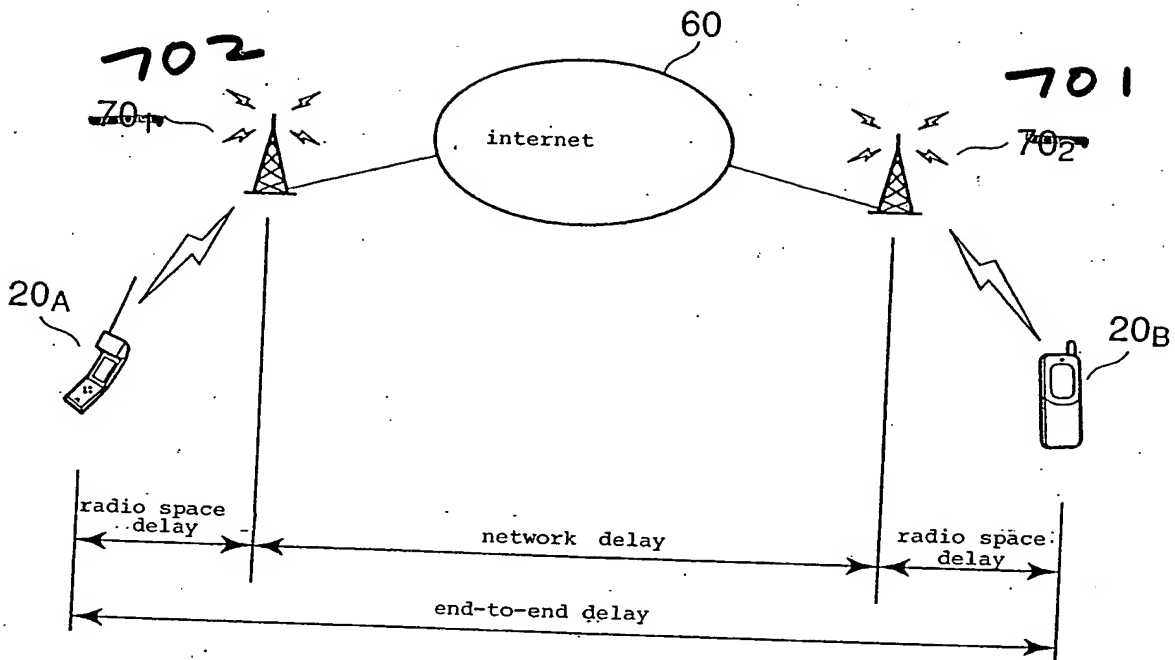


Fig. 6

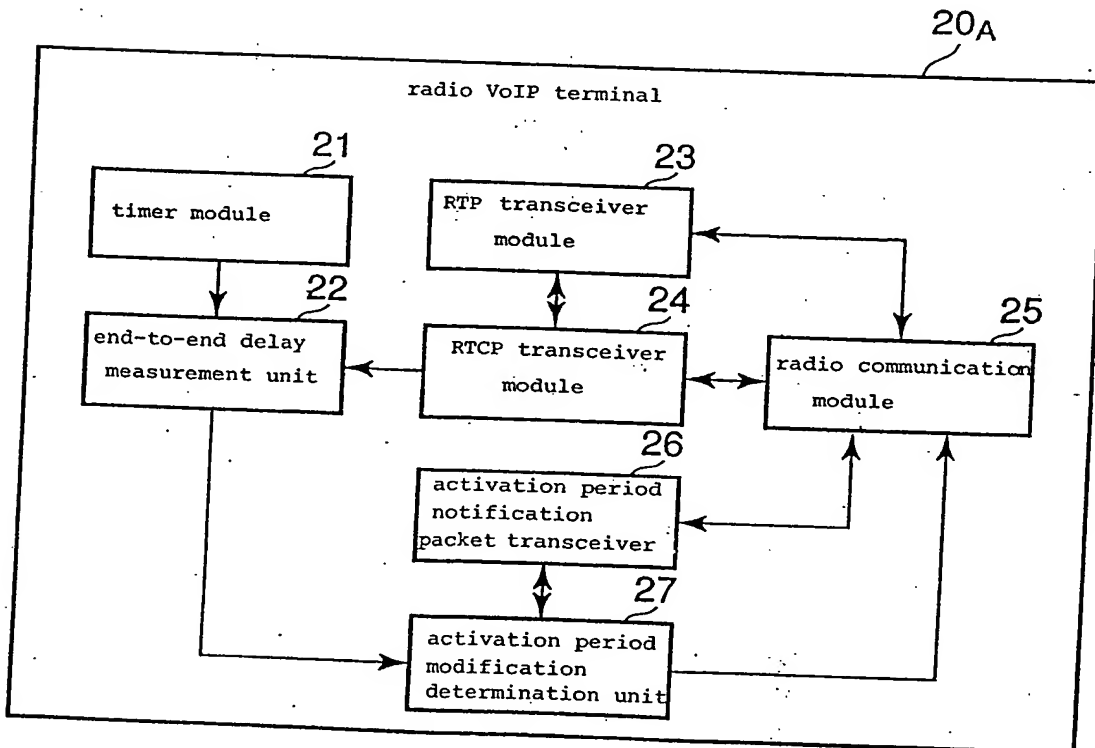


Fig. 8

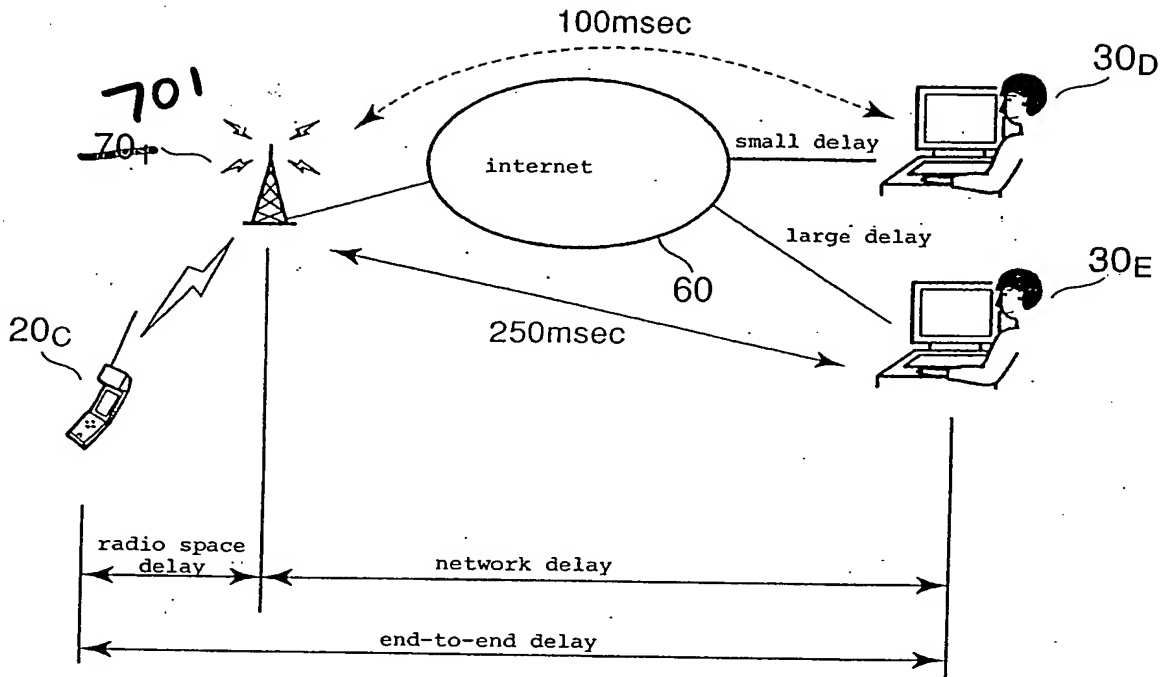


Fig. 9

